CLAIM AMENDMENTS

Please amend the claims as described below. In accordance with 37 CFR §1.121, a complete listing of all claims in the application is provided below. The status of each claim is indicated in the parenthetical expression adjacent to the corresponding claim number.

Claims 1-8 **(Canceled)**.

9. **(Currently Amended)** A microelectromechanical device comprising:

a substrate;

a mechanical structure disposed over the substrate, wherein at least a portion of the mechanical structure is disposed in a chamber;

a periphery area disposed over the substrate, wherein the periphery area includes a plurality of gaps therein; and

a thin film encapsulation structure, disposed over the mechanical structure and the periphery area, to partially define and seal a the chamber.

10. **(Previously Presented)** The device of claim 9 wherein the thin film encapsulation structure includes first and second encapsulation layers.

11. **(Currently Amended)** The device of claim 10 wherein the first encapsulation layer ~~is comprised of~~ includes polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, silicon carbide, silicon nitride, silicon/germanium, germanium, or gallium arsenide.

12. **(Currently Amended)** The device of claim 10 wherein the second encapsulation layer ~~is comprised of~~ includes polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, germanium, silicon/germanium, gallium arsenide, or silicon carbide.

13. **(Previously Presented)** The device of claim 9 wherein the mechanical structure includes plurality of fixed electrodes, wherein the fixed electrodes include a plurality of gaps therein.

14. **(Previously Presented)** The device of claim 9 wherein the mechanical structure includes plurality of anchor regions, wherein the anchor regions include a plurality of gaps therein.

15. **(Currently Amended)** The device of claim 9 wherein the mechanical structure is a resonator including at least one fixed electrode, ~~and~~ an anchor region, and at least one moveable electrode that is physically connected to ~~an~~ the anchor region and adjacent to the fixed electrode, and wherein the fixed electrode and the anchor region include a plurality of gaps.

16. **(Currently Amended)** A microelectromechanical device comprising:

a substrate;

a mechanical structure disposed over the substrate wherein the mechanical structure includes moveable and fixed electrodes;

a periphery area disposed over the substrate;

a getter area, disposed in predetermined portions of the periphery area and the fixed electrodes;

a chamber, wherein the mechanical structure, the periphery area and the getter area are at least partially disposed in the chamber and wherein the getter area is exposed to fluid in the chamber; and

a thin film encapsulation structure, disposed over the mechanical structure, the periphery area and the getter area, wherein the encapsulation seals the chamber.

17. **(Previously Presented)** The device of claim 16 wherein the getter area includes gaps in portions of the periphery area and the fixed electrodes.

18. **(Previously Presented)** The device of claim 16 wherein the getter area is capable of capturing impurities, atoms or molecules that are out-gassed from materials contained within the chamber.

19. **(Previously Presented)** The device of claim 16 wherein the mechanical structure is a resonator.

20. **(Previously Presented)** The device of claim 19 wherein the thin film encapsulation structure includes first and second encapsulation layers.

21. **(Currently Amended)** The device of claim 20 wherein the first encapsulation layer ~~is comprised of~~ includes polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, silicon carbide, silicon nitride, silicon/germanium, germanium, or gallium arsenide.

22. **(Previously Presented)** The device of claim 20 wherein the second encapsulation layer ~~is comprised of~~ includes polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, germanium, silicon/germanium, gallium arsenide, or silicon carbide.

23. **(NEW)** A microelectromechanical device comprising:

a substrate;

a mechanical structure disposed over the substrate, wherein at least a portion of the mechanical structure is disposed in a chamber;

a periphery area disposed over the substrate, wherein the periphery area includes a plurality of gaps therein;

a thin film encapsulation structure, disposed over the mechanical structure and the periphery area, to partially define and seal the chamber, wherein thin film encapsulation structure includes:

a first encapsulation layer comprising polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, silicon carbide, silicon nitride, silicon/germanium, germanium, or gallium arsenide; and

a second encapsulation layer, disposed on or over the first encapsulation layer, the second encapsulation layer comprising polycrystalline silicon, porous polycrystalline silicon, amorphous silicon, germanium, silicon/germanium, gallium arsenide, or silicon carbide.

24. **(NEW)** The device of claim 23 wherein the mechanical structure includes plurality of fixed electrodes, wherein the fixed electrodes include a plurality of gaps therein.

25. **(NEW)** The device of claim 23 wherein the mechanical structure includes plurality of anchor regions, wherein the anchor regions include a plurality of gaps therein.

26. **(NEW)** The device of claim 23 wherein the mechanical structure is a resonator including at least one fixed electrode, an anchor region, and at least one moveable electrode that is physically connected to the anchor region and adjacent to the fixed electrode, and wherein the fixed electrode and the anchor region include a plurality of gaps.

27. **(NEW)** The device of claim 23 wherein the microelectromechanical device further includes a getter area, disposed in predetermined portions of the periphery area and the fixed electrodes.

28. **(NEW)** The device of claim 27 wherein the getter area includes gaps in portions of the periphery area and the fixed electrodes.

29. **(NEW)** The device of claim 27 wherein the getter area is capable of capturing impurities, atoms or molecules that are out-gassed from materials contained within the chamber.

30. **(NEW)** The device of claim 29 wherein the mechanical structure is a resonator.